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PATENT
ATTORNEY DOCKET
NO. 99P7755 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tran et al.

Serial No.: 09/382,553

Filed: August 25, 1999

Title: COMMUNICATION NETWORK
MANAGEMENT

Group Art Unit: 2642

Examiner: Knowlin

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

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No. of Pages: Renewed Petition to Revive &
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Date Transmitted: June 27, 2003

By: 

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RENEWED PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Sir:

This Renewed Petition to Revive is in response to the decision mailed May 29, 2003, ruling that the previous Petition to Revive is dismissed.

Applicant encloses herewith, as recommended by the Office of Petitions, a Request for Continued Examination in which it is requested that the last amendment be entered.

Please charge the fee of \$1,300.00 under 37 C.F.R. §1.17(m) for this petition to our Deposit Account 19-2179. Please also charge any other fees, or credit any overpayments, to this account.

Date: 26 June 03

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, IP Department
Telephone: (732) 321-3026

Respectfully requested,

By: 

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 8

JUN 3 2003

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

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FAX RECEIVED MAY 29 2003
JUN 27 2003 OFFICE OF PETITIONS

In re Application of
Thanh Tran et al.
Application No. 09/382,553
Filed: August 25, 1999
Attorney Docket No. 99-P-7755-US

: PETITIONS OFFICE

: ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2003, to revive the above-identified application.

The petition is Dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 8, 2002. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)), an amendment that *prima facie* places the application in condition for allowance, or the filing of a continuing application. See MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee) or the filing of a continuing application. Alternatively, the reply requirement may be met by the filing of a submission under 37 CFR 1.129(a) if the above-identified application is eligible for such transitional practice.

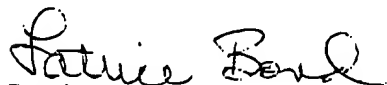
Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office
Mail Stop Petitions
Mailstop DAC
Arlington, VA 22202

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.


Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Attn : Elsa Keller, IP Dept.
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

Attachment: Courtesy copy of Advisory Action